THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.18625 OF 2006

DATED: 11TH SEPTEMBER, 2006.

Between :

S. Krishnaiah Goud … petitioner

And

1. The Prohibition & Excise Superintendent-cum-Functional Registrar, TCS, Mahaboobnagar
And another. .. Respondents

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WRIT PETITION NO.18625 OF 2006

ORDER :

The petitioner claims to be a member of Tappers Co-operative Society (TCS), Mahaboobnagar. It is stated that the 1st respondent – Prohibition & Excise Superintendent, who is the Functional Registrar appointed the 2nd respondent herein as Person-in-Charge to manage the affairs of the society under Section 32 (7) (a) of the A.P. Co-operative Societies Act, 1964 vide proceedings dated 16-6-2005. Thereafter, elections were proposed to be conducted to the managing committee and accordingly the 2nd respondent issued the election notification dated 30-8-2006 proposing to hold elections on 11-9-2006. The said notification is under challenge in this writ petition contending inter alia that the impugned notification is contrary to Rule 22 (4) (a) of the A.P. Co-operative Societies Rules. It is further contended that whereas the statute requires 15 clear days between the election notice and the date of poll, under the impugned notification the election was proposed to be held within 10 days. It is also contended that the voters list was not properly prepared and the members who were admitted by resolution dated 26-4-2005 were not included in the voters list.

I have heard the learned Counsel for the petitioner and perused the material on record.

At the outset, the learned Government Pleader appearing for the respondents contended that the TCS, Mahaboobnagar being a society

having a small number of membership is governed by the procedure prescribed under Rule 22-B of the Rules in which the election shall be conducted by show of hands at the general meeting convened. If that be so, the contention of the petitioner that the impugned notification is illegal since the same is not in conformity with Rule 22 (4) is without any substance.

Even otherwise, it is to be noted that Rule 22 was amended vide G.O.Ms.No.223, dated 27-6-2005 and as per the amended rule, the requirement that there shall be 15 clear days notice between the election notice and the date of poll was omitted.

In the circumstances, the contention of the petitioner that the impugned notification was not in conformity with the statutory rules is without any substance. With regard to the other allegation relating to the discrepancies in the voters list, it is an issue to be adjudicated by working out the remedy as available under sub-sections (3) of Section 61 of the A.P. Co-operative Societies Act, 1964 which provides that every dispute relating to, or in connection with, any election to a committee of a society shall be referred for decision to the Tribunal after the date of declaration of the result of such election.

Accordingly, the Writ Petition is dismissed. No costs.

However, this shall not preclude the petitioner to raise election dispute as provided under Section 61 of the A.P. Co-operative Societies Act, 1964, if so advised.

G. ROHINI, J.

Dt. 11-9-2006
gbs